

Tennessee Boiler and Unfired Pressure Vessel Inspection Law, Rules and Regulations

TITLE 68

HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION

CHAPTER 122

BOILER INSPECTION, ERECTION AND REPAIR

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Part 1 - General Provisions.

68-122-101. Board of boiler rules - Created - Members - Compensation.

(a) There is created within the department of labor and workforce development a board of boiler rules, which shall hereafter be referred to as the "board," consisting of five (5) members who shall be appointed to the board by the governor. The original appointments were one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years and two (2) for a term of four (4) years. At the expiration of their respective terms of office, they, or their successors identifiable with the same interest respectively as hereinafter provided, shall be appointed for terms of four (4) years each. The governor may at any time remove any member of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of any member, the governor shall fill the vacancy for the remainder of the vacated term with a representative of the same interest with which such representative's predecessor was identified. Of these five (5) appointed members, one (1) shall be representative of owners and users of boilers within the state, one (1) shall be representative of the boiler manufacturers within the state, one (1) shall be a representative of a boiler insurance company licensed to do business within the state, one (1) shall be a mechanical engineer on the faculty of a recognized engineering college or a graduate mechanical engineer having equivalent experience, and one (1) shall be representative of the boilermakers or practical steam operating engineers. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority. The board shall elect one (1) of its members to serve as chair, and, at the call of the chair, the board shall meet at least four (4) times each year at the state capitol or other place designated by the board. Beginning July 1, 1965, the membership of the board shall be increased by one (1) member who shall be a representative of the owner-users of unfired pressure vessels and who shall be a mechanical engineer licensed to practice in the state of Tennessee. Such additional representative's appointment shall be made by the governor. The additional representative's first term shall be for a period of two (2) years and all succeeding terms after the expiration of the first shall be for a period of four (4) years.

(b) The members of the board shall serve without salary and shall be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

[Acts 1949, ch. 246, § 1; C. Supp. 1950, § 5347.1 (Williams, §§ 5371.1, 5371.2); Acts 1965, ch. 190, § 1; 1976, ch. 806, § 1(11); T.C.A. (orig. ed.), § 53-2701; Acts 1985, ch. 362, § 8; 1988, ch. 1013, § 65; 1989, ch. 11, § 8; T.C.A., § 68-20-101; Acts 1999, ch. 520, § 46.]

68-122-102. Rules and regulations - Definitions.

(a) The board shall formulate definitions, rules and regulations for the safe and proper construction, installation, repair, use and operation of boilers in this state. The definitions, rules and regulations so formulated shall be based upon, and, at all times, follow the generally accepted nationwide engineering standards, formulae, and practices established and pertaining to boiler construction and safety, and the board may by resolution adopt an existing published codification thereof, known as the Boiler Construction Code of the American Society of Mechanical Engineers, with the amendments and interpretations thereto made and approved by the council of the society, and may likewise adopt the amendments and interpretations subsequently made and published by the same authority; and when so adopted, the same shall be deemed incorporated into, and to constitute a part of the whole of the definitions, rules and regulations of the board. Amendments and interpretations to the code so adopted shall be adopted immediately upon being promulgated, to the end that the definitions, rules and regulations shall at all times follow the generally accepted nationwide engineering standards.

(b) The board shall promulgate rules and regulations for the safe and proper installation, repair, use and operation of boilers which were in use or installed ready for use in this state prior to the date upon which the first rules and regulations under this part pertaining to existing installations became effective, or during the twelve-month period immediately thereafter

(c) The rules and regulations formulated by the board shall have the force and effect of law, except that the rules applying to the construction of new boilers shall not be construed to prevent the installation thereof until twelve (12) months after their approval by the board.

(d) Amendments in the rules and regulations adopted by the board shall be permissive immediately and shall become mandatory twelve (12) months after such approval.

(e) As used in this part, unless the context otherwise requires:

(1) "Boiler" means and includes a closed vessel or vessels intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum by the direct application of heat from combustible fuels, electricity, or nuclear energy, and also includes an unfired pressure vessel, meaning a vessel in which pressure is obtained from an external source or from an indirect application of heat;

(2) "Commissioner" means the commissioner of labor and workforce development; and

(3) "Department" means the department of labor and workforce development.

[Acts 1949, ch. 246, § 1; C. Supp. 1950, § 5347.1 (Williams, §§ 5371.3, 5371.4); Acts 1955, ch. 48, § 1; T.C.A. (orig. ed.), § 53-2702; Acts 1989, ch. 11, § 7; T.C.A., § 68-20-102; Acts 1999, ch. 520, § 46.]

68-122-103. New installations must conform to regulations.

No boiler which does not conform to the rules and regulations formulated by the board governing new construction and installation shall be installed and operated in this state after twelve (12) months from the date upon which the first rules and regulations under this part pertaining to new construction and installation shall have become effective, unless the boiler is of special design or construction, and is not covered by the rules and regulations, nor is in any way inconsistent with such rules and regulations, in which case a special installation and operating permit may at its discretion be granted by the board.

[Acts 1949, ch. 246, § 3; C. Supp. 1950, § 5347.2 (Williams, § 5371.6); Acts 1955, ch. 48, § 2; T.C.A. (orig. ed.), § 53-2703; T.C.A., § 68-20-103.]

68-122-104. Existing boilers required to conform - Applicability.

(a) All boilers which were in use, or installed ready for use in this state prior to the date upon which the first rules and regulations became effective, or during the twelve-month period immediately thereafter, shall be made to conform to the rules and regulations of the board governing existing installations, and the formulae prescribed therein shall be used in determining the maximum allowable working pressure for such boilers.

(b) The provisions of this part shall not be construed as in any way preventing the use or sale of boilers as referred to in subsection (a); provided, that they have been made to conform to the rules and regulations of the board governing existing installations; and provided further, that they have not been found upon inspection to be in an unsafe condition.

(c) (1) The provisions of this part shall apply to "historic power boilers." "Historic power boilers" means any steam traction engine, portable, or stationary, standard or nonstandard power boiler, including free-lance and scale models, owned by publicly operated museums, nonprofit organizations and individuals who preserve, maintain, exhibit and only occasionally operate these boilers on a not-for-profit basis and for the primary purpose of perpetuating the agricultural and pioneer heritage of Tennessee.

(2) Such boilers shall conform to the rules and regulations adopted by the board of boiler rules.

[Acts 1949, ch. 246, § 4; C. Supp. 1950, § 5347.3 (Williams, § 5371.7); T.C.A. (orig. ed.), § 53-2704; T.C.A., § 68-20-104; Acts 1994, ch. 584, § 1.]

68-122-105. Exemptions - Municipal laws or ordinances.

(a) This part shall not apply to the following boilers:

- (1) Boilers under federal control;
- (2) Unfired pressure vessels meeting the requirements of the interstate commerce commission for shipment of liquids or gases under pressure;
- (3) Air tanks located on vehicles operating under the rules of other state authorities and used for carrying passengers, or freight;
- (4) Air tanks installed on the right-of-way of railroads and used directly in the operation of trains;
- (5) Unfired pressure vessels having a volume of five (5) cubic feet or less;
- (6) Unfired pressure vessels designed for working pressure not exceeding fifteen pounds (15 lbs.) per square inch gauge; or
- (7) Unfired pressure vessels containing liquefied petroleum gases.

(b) The following boilers shall be exempt from the requirements of §§ 68-122-110 - 68-122-113:

- (1) Boilers located on farms and used solely for agricultural purposes;
- (2) Steam boilers used for heating purposes carrying a pressure of not more than fifteen pounds (15 lbs.) per square inch gauge, and which are located in private residences or in apartment houses of less than six (6) families;
- (3) Hot water heating boilers carrying a pressure of not more than thirty pounds (30 lbs.) per square inch gauge, and which are located in private residences or in apartment houses of less than six (6) families; or
- (4) Unfired pressure vessels containing only water under pressure for domestic supply purposes and operated at a temperature of not over two hundred degrees Fahrenheit (200°F), including those containing air, the compression of which serves only as a cushion for airlift pumping systems.

(c) This part shall not have the effect of replacing any municipal law or ordinance in municipalities having regulations controlling the design, construction, location, installation, inspection, and operation of boilers where such local laws, ordinances or regulations are in substantial conformity with the commonly accepted standards of safety concerning the design, construction, location, installation, inspection and operation of boilers and in substantial conformity with the published standards of the Boiler Construction Code of the American Society of Mechanical Engineers, and nothing in this part shall be construed as preventing the local officials or boards of such municipalities from the exclusive right to regulate or enforce all such local laws, ordinances or regulations now in force or hereafter enacted as may comply with the standards above defined, and no provision of this part shall be construed as permitting the erection of boilers without first obtaining a building or like permit from the proper municipal authorities in compliance with local laws and ordinances provided therefor.

[Acts 1949, ch. 246, § 5; C. Supp. 1950, § 5347.4 (Williams, § 5371.8); Acts 1953, ch. 197, § 1; 1955, ch. 48, § 3; T.C.A. (orig. ed.), § 53-2705; T.C.A., § 68-20-105.]

68-122-106. Chief inspector - Appointment - Qualifications - Removal - Duties and powers.

(a) Any time the office of the chief inspector becomes vacant, the commissioner shall appoint a citizen of this state who shall have had at the time of such appointment not less than ten (10) years' practical experience in the construction, maintenance, repair, or operation of high pressure boilers and unfired pressure vessels, as a mechanical engineer, steam engineer, boilermaker, or boiler inspector, and who shall have passed the same kind of examination as that prescribed for deputy or special inspectors in § 68-122-109, to be chief inspector until the chief inspector's successor shall have been appointed and qualified. Such chief inspector may be removed for cause after due investigation by the board and its recommendation to the commissioner.

(b) The chief inspector, if authorized by the commissioner, is charged, directed and empowered to:

- (1) Cause the prosecution of all violators of the provisions of this part;
- (2) Issue, or suspend, or revoke for cause, inspection certificates as provided for in § 68-122-111;
- (3) Draw upon the state treasurer for funds necessary to meet the expenses authorized by this part, which shall include the necessary traveling expenses of the chief inspector and the chief inspector's deputies and the expenses incident to the maintenance of the chief inspector's office;
- (4) Take action necessary for the enforcement of the laws of the state governing the use of boilers and of the rules and regulations of the board;
- (5) Keep a complete record of the type, dimensions, maximum allowable working pressure, age, condition, location and date of the last recorded internal inspection of all boilers to which the provisions of this part apply; and

(6) Publish and distribute, among manufacturers and others requesting them, copies of the rules and regulations adopted by the board.

[Acts 1949, ch. 246, § 6; C. Supp. 1950, § 5347.5 (Williams, § 5371.9); T.C.A. (orig. ed.), § 53-2706; Acts 1985, ch. 362, §§ 9, 10; 1989, ch. 11, § 7; T.C.A., § 68-20-106.]

68-122-107. Deputy inspectors - Employment - Qualifications.

The chief inspector shall employ deputy inspectors, who shall be responsible to the chief inspector and who shall have had at time of appointment not less than five (5) years' practical experience in the construction, maintenance, repair or operation of high pressure boilers and unfired pressure vessels as a mechanical engineer, steam engineer, boilermaker or boiler inspector, and who has passed the examination provided for in § 68-122-109.

[Acts 1949, ch. 246, § 7; C. Supp. 1950, § 5347.6 (Williams, § 5371.10); T.C.A. (orig. ed.), § 53-2707; T.C.A., § 68-20-107.]

68-122-108. Special inspectors - Appointment - Duties - Right of inspection.

(a) In addition to the deputy boiler inspectors authorized by § 68-122-107, the chief inspector shall, upon the request of any company authorized to insure against loss from explosion of boilers and unfired pressure vessels in this state, or upon the request of any company operating unfired pressure vessels in this state having a regularly established inspection service maintained by the owner or user of pressure vessels subject to inspection and whose inspection service, personnel, equipment and supervision meet the requirements prescribed therefor by the board, issue to any inspectors of the company commissions as special inspectors; provided, that each such inspector, before receiving such inspector's commission, shall satisfactorily pass the examination provided for in § 68-122-109 or, in lieu of such examination, shall hold a commission or a certificate of competency as an inspector of boilers and unfired pressure vessels for a state that has a standard of examination substantially equal to that of the state of Tennessee, or a certificate as an inspector of boilers issued by the national board of boiler and pressure vessel inspectors. A commission as a special inspector for a company operating unfired pressure vessels in this state shall be issued only if, in addition to meeting the requirements stated herein, the inspector is continuously employed by the company for the purpose of making inspections of unfired pressure vessels used, or to be used, by such company, and not for resale. Special inspectors of a company operating unfired pressure vessels, commissioned under this section, shall not be authorized to inspect boilers.

(b) Such special inspectors shall receive no salary from, nor shall any of their expenses be paid by, the state, and the continuance of a special inspector's commission shall be conditioned upon the special inspector continuing in the employ of a boiler insurance company duly authorized as aforementioned or upon continuing in the employ of a company operating unfired pressure vessels in this state, and upon the special inspector's maintenance of the standards imposed by this part.

(c) Such special inspectors shall inspect all boilers and unfired pressure vessels insured or all unfired pressure vessels operated by their respective companies and, when so inspected, the owners and users of such boilers and unfired pressure vessels shall be exempt from the payment to the state of the inspection fees as provided for in § 68-122-113.

(d) Each company employing such special inspectors shall, within thirty (30) days following each internal and external boiler or unfired pressure vessel inspection made by such inspectors, file a report of such inspection with the chief inspector upon appropriate forms as promulgated by the American Society of Mechanical Engineers.

(e) The commissioner, the chief inspector, or any deputy or special inspector, shall have free access, during reasonable hours, to any premises in the state where a boiler or unfired pressure vessel is being constructed, or is being installed, for the purpose of ascertaining whether such boiler or unfired pressure vessel is constructed and installed in accordance with the provisions of this part.

[Acts 1949, ch. 246, § 8; C. Supp. 1950, § 5347.7 (Williams, § 5371.11); Acts 1955, ch. 48, § 7; T.C.A. (orig. ed.), § 53-2708; Acts 1985, ch. 362, §§ 11, 12; 1989, ch. 11, § 7; T.C.A., § 68-20-108.]

68-122-109. Examinations for chief, deputy and special inspectors - Suspension or revocation of commission - Replacement when lost.

(a) Examinations for chief, deputy or special inspectors shall be in writing and shall be held by the board, or by at least two (2) members of the board. Such examination shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service. In case an applicant for an inspector's appointment or commission fails to pass the examination, the applicant may appeal to the board for another examination, which shall be given by the board within ninety (90) days. The record of an applicant's examination shall be accessible to the applicant and the applicant's employer.

(b) A commission may be suspended or revoked after due investigation and recommendation by the board to the commissioner for the incompetence or untrustworthiness of the holder thereof, or for willful falsification of any matter or statement contained in the applicant's application or in a report of any inspection. A person whose commission has been suspended or revoked, except for untrustworthiness, shall be entitled to apply to the board for reinstatement or, in the case of revocation, for a new examination and commission after ninety (90) days from such revocation. A person whose commission has been suspended or revoked shall be entitled to an appeal as provided in § 68-122-115 and to be present in person and/or represented by counsel on the hearing of the appeal.

(c) If a certificate or commission is lost or destroyed, a new certificate or commission shall be issued in its place without another examination.

[Acts 1949, ch. 246, § 9; C. Supp. 1950, § 5347.8 (Williams, § 5371.12); T.C.A. (orig. ed.), § 53-2709; Acts 1989, ch. 11, § 7; T.C.A., § 68-20-109.]

68-122-110. Inspection of boilers.

(a) Each boiler used or proposed to be used within this state, except boilers exempt in § 68-122-105, shall be thoroughly inspected as to their construction, installation, condition and operation as follows:

(1) Power boilers shall be inspected annually both internally and externally while not under pressure, and shall also, if possible, be inspected externally while under pressure approximately six (6) months following the date of each internal inspection;

(2) Low pressure heating boilers shall be inspected both internally and externally biennially where construction will permit;

(3) Unfired pressure vessels subject to internal corrosion shall be inspected both internally and externally biennially where construction will permit, except that the board may, in its discretion, provide for longer periods between inspections; and

(4) Unfired pressure vessels not subject to internal corrosion shall be inspected externally at intervals set by the board, but internal inspections shall not be required of unfired pressure vessels, the contents of which are known to be noncorrosive to the material of which the shell, head, or fittings are constructed, either from the chemical composition of the contents or from evidence that the contents are adequately treated with a corrosion inhibitor; provided, that such vessels are constructed in accordance with the rules and regulations of the board or in accordance with standards equivalent to the rules and regulations of the board in effect at the time of manufacture.

(b) A grace period of two (2) months longer than the twelve-month period may elapse between internal inspections of a boiler while not under pressure or between external inspections of a boiler while under pressure.

(c) The inspections herein required shall be made by the chief inspector, or by a deputy inspector, or by a special inspector provided for in this part.

(d) If at any time a hydrostatic test shall be deemed necessary, it shall be made, at the discretion of the inspector, by the owner or user thereof.

(e) All boilers to be installed in this state after the twelve-month period from the date upon which the rules and regulations of the board shall become effective shall be inspected during construction as required by the applicable rules and regulations of the board by an inspector authorized to inspect boilers in this state, or, if constructed outside of the state, by an inspector holding a certificate from the national board of boiler and pressure vessel inspectors, or a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to that of this state as provided in § 68-122-109.

[Acts 1949, ch. 246, § 10; C. Supp. 1950, § 5347.9 (Williams, § 5371.13); Acts 1955, ch. 48, § 4; T.C.A. (orig. ed.), § 53-2710; Acts 1985, ch. 362, § 14; T.C.A., § 68-20-110.]

68-122-111. Inspection certificates - Maximum certificate fees - Insured boilers - Suspension.

(a) If, upon investigation, a boiler is found to comply with the rules and regulations of the board, the owner or user thereof shall pay directly to the chief inspector an appropriate certificate fee as adopted by the board pursuant to § 68-122-102, and the chief inspector, or such duly authorized representative, shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler may be operated. In no event shall such fee exceed a maximum amount of fifty dollars (\$50.00) for high-pressure boilers or eighty dollars (\$80.00) for low-pressure boilers and unfired pressure vessels. Such inspection certificate shall be valid for not more than fourteen (14) months, for power boilers, and for not more than twenty-six (26) months, for low pressure heating boilers and unfired pressure vessels, from its date. Certificates shall be posted under glass in the room containing the boiler inspected, or, in the case of a portable boiler, in a metal container to be fastened to the boiler or to be kept in a tool box accompanying the boiler.

(b) No inspection certificate issued for an insured boiler inspected by a special inspector shall be valid after the boiler for which it was issued shall cease to be insured by a company duly authorized by this state to carry such insurance.

(c) The chief inspector or the chief inspector's authorized representative may at any time suspend an inspection certificate when, in the chief inspector's or representative's opinion, the boiler for which it was issued cannot be operated without menace to the public safety, or when the boiler is found not to comply with the rules and regulations herein provided. A special inspector shall have corresponding powers with respect to inspection certificates for boilers insured by the company employing the special inspector. Such suspension of an inspection certificate shall continue in effect until such boiler shall have been made to conform to the rules and regulations of the board, and until the inspection certificate shall have been reinstated.

[Acts 1949, ch. 246, § 11; C. Supp. 1950, § 5347.10 (Williams, § 5371.14); Acts 1955, ch. 48, § 5; 1972, ch. 546, § 1; 1976, ch. 404, § 1; T.C.A. (orig. ed.), § 53-2711; Acts 1983, ch. 316, § 1; 1985, ch. 354, § 24; T.C.A., § 68-20-111; Acts 2000, ch. 707, § 2.]

68-122-112. Operation without certificate or at excessive pressure - Penalty.

It is unlawful for any person, firm, partnership or corporation to operate under pressure in this state a boiler without a valid inspection certificate. The operation of a boiler without such inspection certificate, or at a pressure exceeding that specified in such inspection certificate, constitutes a Class C misdemeanor on the part of the owner, user, or operator of the boiler. Each day of such unlawful operation is a separate offense.

[Acts 1949, ch. 246, § 12; C. Supp. 1950, § 5347.11 (Williams, § 5371.15); T.C.A. (orig. ed.), § 53-2712; Acts 1989, ch. 591, § 113; T.C.A., § 68-20-112.]

68-122-113. Inspection fees.

(a) Biennial or required inspections of unfired pressure vessels shall be based on the maximum length of the vessel multiplied by the maximum width of diameter. The fee for internal and/or external inspections of each unfired pressure vessel subject to inspection shall be in an amount adopted by the board pursuant to § 68-122-102. In no event shall the fee for any unfired pressure vessel not greater than a cross sectional area of fifty square feet (50 sq. ft.) exceed thirty dollars (\$30.00). On unfired pressure vessels that exceed fifty square feet (50 sq. ft.) in cross section area, not more than one hundred dollars (\$100) shall be charged per day for the actual inspection time of each inspector on any one (1) vessel.

(b) A group of unfired pressure vessels, such as the rolls of a paper machine or dryer operating as a single machine or unit, shall be considered as one (1) unfired pressure vessel.

(c) The fee for biennial or required inspections of high-pressure boilers shall be based on the maximum heating surface of the vessel. The fee for internal and/or external inspections of each high-pressure boiler subject to inspection shall be in an amount adopted by the board pursuant to § 68-122-102. In no event shall the fee charged for inspection of a high-pressure boiler exceed sixty dollars (\$60.00).

(d) The fee for biennial or required internal and/or external inspections of each low-pressure boiler subject to inspection shall be in an amount adopted by the board pursuant to § 68-122-102. In no event shall the fee for any low-pressure boiler exceed thirty dollars (\$30.00).

(e) Shop inspections, special inspections, inspections of secondhand or used boilers (i.e., boilers that have changed ownership and location after primary use), and quality control system reviews conducted by the chief or deputy inspectors shall be charged at a rate to be determined by the board, plus all expenses, including travel and hotel. In no event shall such inspections or reviews be charged at a rate to exceed seven hundred dollars (\$700) for one full day of eight (8) hours.

[Acts 1949, ch. 246, § 13; C. Supp. 1950, § 5347.12 (Williams, § 5371.16); Acts 1955, ch. 48, § 6; 1957, ch. 254, § 1; 1972, ch. 546, §§ 2, 3; 1975, ch. 243, § 1; 1976, ch. 404, § 2; 1982, ch. 561, § 1; T.C.A. (orig. ed.), § 53-2713; Acts 1985, ch. 362, § 13; T.C.A., § 68-20-113; Acts 2000, ch. 707, § 3.]

68-122-114. Bond furnished by chief and deputy inspectors.

The chief inspector shall furnish a bond in the sum of five thousand dollars (\$5,000) and each of the deputy inspectors, employed and paid by the state, shall furnish a bond in the sum of two thousand dollars (\$2,000) conditioned upon the faithful performance of their duties and upon a true account of moneys handled by them respectively and the payment thereof to the proper recipient. The cost of these bonds shall be paid by the state treasurer.

[Acts 1949, ch. 246, § 14; C. Supp. 1950, § 5347.13 (Williams, § 5371.17); T.C.A. (orig. ed.), §§ 53-2714, 68-20-114.]

68-122-115. Appeals from orders or acts of inspectors.

Any person aggrieved by an order or act of an inspector or the chief inspector under this part, may, within fifteen (15) days after notice thereof, appeal from such order or act to the board. The board shall hear the appeal in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Acts 1949, ch. 246, § 15; C. Supp. 1950, § 5347.14 (Williams, § 5371.18); T.C.A. (orig. ed.), § 53-2715; Acts 1985, ch. 362, § 15; T.C.A., § 68-20-115.]

68-122-116. Receipt for fees - Fee increase as penalty - Fee exemptions.

(a) The chief inspector shall give an official receipt for all fees, which shall constitute expendable receipts of the department in addition to the appropriations otherwise available.

(b) The fee for any inspection or inspection certificate under this chapter shall be increased fifty percent (50%) if such fee is not paid within sixty (60) days from the date of the invoice for such inspection or certificate.

(c) The inspection and inspection certificate fees prescribed in this part shall not apply to boilers located in municipalities having valid laws, ordinances or regulations which comply with the standards defined in § 68-122-105(c).

[Acts 1985, ch. 362, § 16; 1989, ch. 11, § 8; T.C.A., § 68-20-116.]

PART
BOILER ERECTORS AND REPAIRERS

2

68-122-201. Short title.

This part shall be known as the "Boiler Erectors and Repairers Act."

[Acts 1961, ch. 265, § 1; T.C.A., §§ 53-2716, 68-20-201.]

68-122-202. License required.

Any person, corporation, partnership or firm engaged in or desiring to engage in the work of repairing or erecting steam boilers, steam kettles, pressure tanks or steam generators in this state shall obtain a license to perform such work from the board of boiler rules as created in the department of labor and workforce development by § 68-122-101.

[Acts 1961, ch. 265, § 2; T.C.A., § 53-2717; Acts 1985, ch. 362, § 17; 1989, ch. 11, § 8; T.C.A., § 68-20-202; Acts 1999, ch. 520, § 46.]

68-122-203. "Erect" defined.

"Erect," as used in this part, includes only such steam boilers, steam kettles, pressure tanks, or steam generators as are assembled at the place of installation, and does not include such steam boilers, steam kettles, pressure tanks, or steam generators as are constructed at the place of manufacture and delivered to the place of installation. It does not include sectional boilers constructed of cast iron.

[Acts 1961, ch. 265, § 3; T.C.A., §§ 53-2718, 68-20-203.]

68-122-204. Application for license - Examination - Approval - Issuance.

An application for license under this part shall be made to the chief inspector of steam boilers and unfired pressure vessels, and the applicant shall pass an examination as prescribed by the board of boiler rules and given by the chief inspector, and further, the applicant must meet and continue to comply with the minimum qualifications as set up by the board of boiler rules and the recommended rules for repairs promulgated by the National Board of Boiler and Pressure Vessel Inspectors. Thereafter, at the earliest meeting of the board of boiler rules, the application shall be submitted to the board for its approval along with the recommendation of the chief inspector, and upon the finding of the board of boiler rules that the applicant has satisfied the requirements of this part, the chief inspector shall be authorized to issue a license to the applicant.

[Acts 1961, ch. 265, § 4; T.C.A., §§ 53-2719, 68-20-204.]

68-122-205. License fee - Renewal - Fee maximums - Disposition of fees collected - Duty of enforcement.

(a) The original issuing fee and renewal fee shall each be in an amount adopted by the board pursuant to its authority under § 68-122-102. In no event shall such fees exceed a maximum amount of one hundred dollars (\$100) for the first year and sixty dollars (\$60.00) for each annual renewal. The license shall be renewed by the time of its expiration by paying in advance the annual renewal fee.

(b) The license shall be valid for a period of one (1) year from the date of issuance unless sooner revoked for cause by the commissioner of labor and workforce development.

(c) All fees provided for in this part shall be paid to the division of boiler and elevator inspection and shall be expendable fees to be used by the department of labor and workforce development in enforcing the provisions of this part, and the enforcement of this part shall be the duty of the chief inspector of the division.

[Acts 1961, ch. 265, § 5; T.C.A., § 53-2720; Acts 1985, ch. 362, § 18; 1989, ch. 11, § 7; T.C.A., § 68-20-205; Acts 1999, ch. 520, § 46; 2000, ch. 707, § 4.]

68-122-206. Exclusions.

(a) The provisions of this part shall not apply to persons, corporations, partnerships or firms which are complying with the rules and regulations of the interstate commerce commission or to persons, corporations, partnerships or firms that have their own maintenance personnel who are limited to the lawful erection and repair of their own boiler equipment.

(b) The provisions of this part shall not apply to those persons, corporations, partnerships or firms engaged in the work of repairing or erecting those types of steam boilers specifically excluded by § 68-122-105.

[Acts 1961, ch. 265, §§ 6, 7; T.C.A., §§ 53-2721, 68-20-206.]

68-122-207. Local laws not affected.

This part shall not have the effect of replacing any municipal law or ordinance in municipalities which regulates and licenses the repairing or erection of steam boilers, steam kettles, pressure tanks or steam generators, and nothing in this part shall be construed as preventing the local officials or board of such municipalities from the exclusive right to regulate or enforce all such local laws or regulations now in force, and no provision of this part shall be construed as permitting the repair or erection of boilers without first complying with the requirements of the local laws and ordinances provided for such repair or erection of boilers.

[Acts 1961, ch. 265, § 7; T.C.A., §§ 53-2722, 68-20-207.]

68-122-208. Penalty for violation.

It is unlawful for any person, corporation, partnership or firm to engage in the work of repairing or erecting steam boilers, steam kettles, pressure tanks, or steam generators in this state without a valid license as provided under this part. Any violation of this part is a Class C misdemeanor. Each day of such violation constitutes a separate offense. This does not apply to any person repairing such equipment whenever a licensed repair worker cannot be readily obtained, and an emergency exists.

[Acts 1961, ch. 265, § 8; T.C.A., § 53-2723; Acts 1989, ch. 591, § 113; T.C.A., § 68-20-208.]

68-122-209. Construction of part.

It is the intention of this part that this part is supplemental to part 1 of this chapter and that nothing in this part is to be construed as conflicting with the provisions of part 1 of this chapter.

[Acts 1961, ch. 265, § 9; T.C.A., §§ 53-2724, 68-20-209.]